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Our File No.

December 16, 2011

BY ECF

Magistrate Judge E. Thomas Boyle
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

***Re: Estate of C. Robert Allen, III by its Executrix, Grace M. Allen
against Devine, et al., 09-CV0668 (ADS)(ETB) (E.D.N.Y.)***

Dear Magistrate Judge Boyle:

This firm represents Plaintiff in the above-referenced action. On behalf of all parties I respectfully submit the proposed scheduling order for Your Honor's consideration and approval.

We thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'James M. Wicks', written over a horizontal line.

James M. Wicks

JMW:nm
Attachment
cc: All Counsel of Record (Via ECF)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
THE ESTATE OF C. ROBERT ALLEN, III, by its
Executrix, GRACE M. ALLEN,

Plaintiff,

-against-

CHRISTOPHER DEVINE, LAKESHORE MEDIA, LLC,
MILCREEK BROADCASTING LLC, COLLEGE CREEK
MEDIA LLC, MARATHON MEDIA GROUP, LLC, 3
POINT MEDIA – SALT LAKE CITY, LLC, 3 POINT
MEDIA DELTA, LLC, 3 POINT MEDIA – UTAH, LLC,
3 POINT MEDIA – FRANKLIN, LLC, 3 POINT MEDIA
– PRESCOTT VALLEY, LLC, 3 POINT MEDIA –
COALVILLE, LLC, 3 POINT MEDIA – ARIZONA, LLC,
3 POINT MEDIA - FLORIDA, LLC, 3 POINT MEDIA –
KANSAS, LLC, 3 POINT MEDIA – OGDEN LLC, 3
POINT MEDIA – SAN FRANCISCO, LLC, MIDVALLEY
RADIO PARTNERS, LLC, D&B TOWERS LLC,
SUPERIOR BROADCASTING OF NEVADA, LLC,
SUPERIOR BROADCASTING OF DENVER, LLC,
WACKENBURG ASSOCIATES, LLC, PORTLAND
BROADCASTING LLC, DESERT SKY MEDIA LLC,
SKY MEDIA LLC, DEVINE RACING MANAGEMENT,
LLC, ACB CONSULTING CO., and John Does 1 – 50,

Defendants.
-----X

CHRISTOPHER DEVINE, LAKESHORE MEDIA, LLC,
MILCREEK BROADCASTING LLC, COLLEGE CREEK
MEDIA LLC, MARATHON MEDIA GROUP, LLC, 3
POINT MEDIA – SALT LAKE CITY, LLC, 3 POINT
MEDIA DELTA, LLC, 3 POINT MEDIA – UTAH, LLC,
3 POINT MEDIA – FRANKLIN, LLC, 3 POINT MEDIA
– PRESCOTT VALLEY, LLC, 3 POINT MEDIA –
COALVILLE, LLC, 3 POINT MEDIA – ARIZONA, LLC,
3 POINT MEDIA – FLORIDA, LLC, 3 POINT MEDIA –
KANSAS, LLC, 3 POINT MEDIA – OGDEN, LLC, 3
POINT MEDIA – SAN FRANCISCO, LLC,
MIDVALLEY RADIO PARTNERS, LLC, D&B
TOWERS LLC, SUPERIOR BROADCASTING OF
NEVADA, LLC, SUPERIOR BROADCASTING OF
DENVER, LLC, WACKENBURG ASSOCIATES, LLC,
PORTLAND BROADCASTING LLC, DESERT SKY

:
:
: [PROPOSED]

: SCHEDULING ORDER
:

: Docket No.:

: 09-CV-0668 (ADS) (ETB)

MEDIA LLC, SKY MEDIA LLC, DEVINE RACING
MANAGEMENT, LLC, ACB CONSULTING CO., and
John Does 1-50,

Third-Party Plaintiffs,

-against-

LUKE ALLEN,

Third-Party Defendant.

X

Pursuant to the Court's Order dated December 12, 2011 (DE 250), the following Proposed Scheduling Order is adopted. This Plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

1. **Fact Discovery Completion Date:** Except for good cause shown, all fact discovery shall be commenced in time to be completed by ***July 18, 2012***.
2. **Expert Discovery Completion Date:** Except for good cause shown, all expert discovery shall be commenced in time to be completed by ***September 18, 2012***.
3. **Dispositive Motions:** Any party planning on making a dispositive motion must take the first step in the motion process by ***November 18, 2012*** or risk forfeiting the right to make such motion. Parties are directed to consult the District Judge's individual rules regarding such motion practice.
4. **Final Pretrial Conference:** A final pretrial conference before the undersigned will be held by phone on ***January***____, ***2013 at*** ____ ***a.m./p.m.*** Meaningful settlement discussions will occur at the conference. Clients or other persons with full settlement authority must be available by telephone. Parties are to electronically file a joint pretrial order in compliance with the District Judge's individual rules, signed by counsel for each party, prior to the conference.
5. **Next Case Management Conference:** As per the Court's Order dated December 12, 2011 (DE 250), the next case management conference will be held on ***May 18, 2012, at 1:30 p.m.*** by telephone.

This Proposed Scheduling Order may be executed in counterparts.

This Proposed Scheduling Order may be modified only upon good cause shown.

Dated: December 15, 2011

FARRELL FRITZ, P.C.

By: 

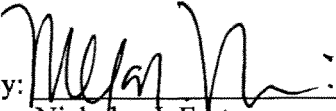
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College Creek Media LLC
Marathon Media Group, LLC
3 Point Media – Salt Lake City, LLC
3 Point Media Delta, LLC
3 Point Media – Utah, LLC
3 Point Media – Franklin, LLC
3 Point Media – Prescott Valley, LLC
3 Point Media – Coalville, LLC
3 Point Media – Arizona, LLC
3 Point Media – Florida, LLC
3 Point Media – Kansas, LLC
3 Point Media – Ogden, LLC
3 Point Media – San Francisco, LLC
Midvalley Radio Partners, LLC
Superior Broadcasting of Nevada, LLC
Superior Broadcasting of Denver, LLC
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S O O R D E R E D:

E. Thomas Boyle
United States Magistrate Judge

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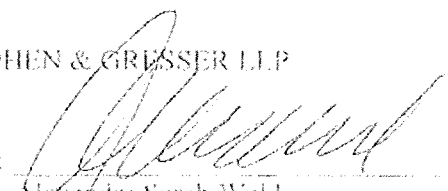
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SO ORDERED:

E. Thomas Boyle
United States Magistrate Judge

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